

HOUSE BILL REPORT

ESSB 5601

As Reported by House Committee On:
Health Care & Wellness
Health & Human Services Appropriations

Title: An act relating to speech-language pathology assistants.

Brief Description: Regulating speech-language pathology assistants.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senator Franklin).

Brief History:

Committee Activity:

Health Care & Wellness: 3/24/09, 3/26/09 [DPA];

Health & Human Services Appropriations: 4/1/09, 4/3/09 [DPA(HCW/APPH)].

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Establishes a certification program for speech-language pathology assistants.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 11 members: Representatives Cody, Chair; Driscoll, Vice Chair; Bailey, Campbell, Clibborn, Green, Herrera, Kelley, Moeller, Morrell and Pedersen.

Minority Report: Do not pass. Signed by 2 members: Representatives Ericksen, Ranking Minority Member; Hinkle.

Staff: Jim Morishima (786-7191)

Background:

A speech-language pathologist is a professional who treats human communication disorders affecting speech, language, and swallowing. Speech-language pathologists are subject to licensure by the Board of Hearing and Speech (Board), which consists of 11 members, two of

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whom must be licensed speech-language pathologists. The minimum qualifications for licensure as a speech-language pathologist include a master's degree or doctorate from a Board-approved institution of higher education, a supervised clinical practicum experience, and post-graduate professional work experience approved by the Board. The Board may also require that speech language pathologists comply with continuing competency requirements.

Licensure as a speech-language pathologist is currently not required for speech-language pathology services provided in schools. Instead, speech-language pathologists who practice in schools must be certified by the Washington Professional Educator Standards Board as educational staff associates.

A speech-language pathology assistant performs delegated tasks at the direction, and under the supervision, of licensed speech-language pathologists (or certified educational staff associates). Speech-language pathology assistants are not credentialed in Washington.

In response to legislation introduced in 2007, the Department of Health (DOH) conducted a sunrise review regarding speech-language pathology assistants. The DOH concluded that speech-language pathology assistants be certified, rather than licensed.

Summary of Amended Bill:

Beginning one year from the effective date of the act, no person may represent himself or herself as a speech-language pathology assistant unless he or she is certified by the Board. In order to qualify for certification as a speech-language pathology assistant, a person must either:

- have an associate's degree, or a certificate of proficiency, from a speech-language pathology assistant program from an institution of higher education approved by the Board as evidenced by:
 - transcripts showing 45 quarter hours or 30 semester hours of speech-language pathology coursework; and
 - transcripts showing 45 quarter hours or 30 semester hours of general education credit; or
- have a bachelor's degree from a speech, language, and hearing program from an institution of higher education approved by the Board.

In lieu of these requirements, an applicant may meet the requirements for certification if, within one year of the effective date of the act, he or she submits a competency checklist to the Board and is employed under the supervision of a speech-language pathologist for at least 600 hours within the last three years as defined by the Board by rule. The Board may require that all certified speech-language pathology assistants comply with continuing competency requirements.

A certified speech-language pathology assistant must provide speech-language pathology services under the direction and supervision of a licensed speech-language pathologist or a certified educational staff associate. The Board must designate the procedures and tasks that certified speech-language pathology assistants may perform under the direct or indirect

supervision of a licensed speech-language pathologist. A certified speech-language pathology assistant may only perform procedures or tasks delegated by licensed speech-language pathologists and must follow the individualized education program or treatment plan. Speech-language pathology assistants may not perform procedures or tasks that require diagnosis, evaluation, or clinical interpretation.

The Superintendent of Public Instruction (Superintendent) must report to the DOH: (1) complaints and disciplinary actions taken against certified educational staff associates providing speech-language pathology services in schools; and (2) complaints that the Superintendent receives regarding certified speech-language pathology assistants. The Superintendent must make these reports as soon as practicable, but in no case later than five business days after the complaint or disciplinary action.

Certified speech-language pathologists are subject to licensure and discipline by the Board. The membership of the Board is increased to include one advisory, non-voting member who is a certified speech-language pathology assistant.

Certified speech-language pathology assistants are exempt from the requirement that a health carrier cover every category of health care provider.

Amended Bill Compared to Original Bill:

The amended bill:

- changes the licensure program for speech-language pathology assistants to a certification program;
- removes the definition of "hearing health care professional;"
- exempts certified speech-language pathology assistants from the requirement that a health carrier cover every category of health provider; and
- requires the Superintendent to report to the DOH complaints and disciplinary actions taken against certified educational staff associates providing speech-language pathology services in schools, and complaints regarding certified speech-language pathology assistants.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is currently a shortage of speech-language pathology assistants. Speech-language pathology assistants help treat children and other clients with serious problems and should therefore be well qualified. Currently, however, speech-language pathology assistants are not credentialed, which means anyone can be such an assistant. Thirty-five other states

currently regulate speech-language pathology assistants. Licensing is the correct level of credentialing for these professionals.

(Opposed) None.

Persons Testifying: Senator Franklin, prime sponsor; Gail Rothwell, Washington Speech and Hearing Association; Lisa Wolf, Washington Speech and Hearing Association; and Melissa Johnson, Washington Speech and Hearing Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Health Care & Wellness as such amendment is amended by Committee on Health & Human Services Appropriations. Signed by 14 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton, Cody, Dickerson, Johnson, Miloscia, Morrell, O'Brien, Roberts, Walsh and Wood.

Minority Report: Do not pass. Signed by 1 member: Representative Ericksen.

Staff: Chris Blake (786-7392)

Summary of Recommendation of Committee On Health & Human Services Appropriations Compared to Recommendation of Committee On Health Care & Wellness:

The amended bill creates a definition of "hearing health care professional." In addition, it is clarified that certification requirements apply to speech language pathology assistants.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is a concern about the lack of regulation for speech language pathology assistants and the practice of unqualified people. The Department of Health recently conducted a review of the profession that recommended that these providers be certified. The costs will be borne by a fee that the assistants are willing to pay.

(Opposed) None.

Persons Testifying: Melissa Johnson, Washington Speech and Hearing Association.

Persons Signed In To Testify But Not Testifying: None.